

P18421.A05

A3
cont
a display processor that displays a year, month, and day of a date along with an object image on a screen and

a date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others.

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement by return of the form PTO-1449, and for the acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action. Upon entry of the above amendment, claims 1, 19 and 29 will have been amended and claims 2 and 20 will have been canceled. Claims 1, 3-19 and 21-29 are pending for consideration by the Examiner. Applicant respectfully requests reconsideration of the outstanding rejections and allowance of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claims 1, 4, 16-17, 19, 21 and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,846,155 to KIMURA, finding that this reference teaches all of the limitations of the above claims.

With respect to the Examiner's rejection of independent claims 1, 19 and 29, Applicant respectfully traverses this rejection, and submits that KIMURA is markedly different from the present invention as claimed. Specifically, Applicant has included the limitations of claim 2 into each of independent claims 1 and 29, and has further included the limitations of claim 19 into independent claim 20. As such, and as noted by the Examiner in Paragraph 4, lines 7-8, KIMURA fails to teach or disclose that the date-differentiating processor sets one of the year, month, and day to a color or character type different from the others, as claimed in independent claims 1 and 29. KIMURA further fails to teach or disclose storing one of the year, month, and day by a different color or a different character type in said image storage device, as claimed in claim 19. Thus, Applicant respectfully submits that KIMURA and the claims of the present application are patentably distinct.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1, 19 and 29, these claims, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection of independent claims 1, 19 and 29, as well as claims 4, 16-17, 21, 27 and 29 (which are dependent from one of these independent claims), under 35 U.S.C. § 102(b).

The Examiner has rejected claims 2-7, 11-15, 18, 20, 22-25 and 28 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of U.S. Patent No. 5,408,996 to SALB, finding that while KIMURA fails to “teach date differentiation processor sets one of the year, month, and day to a color or character type different from the other,” SALB “teaches the color-coding and text windows type display,” and concludes that it would have been obvious to include this feature into the device of KIMURA.

As described above, Applicant has incorporated the limitations of claim 2 into each of independent claims 1 and 29, and has further included the limitations of claim 19 into independent claim 20, and submits that none of the applied references teaches or discloses, either together or in combination, that the date-differentiating processor sets one of the year, month, and day to a color or character type different from the others, as claimed in independent claims 1 and 29. Further, none of the applied references teaches or discloses storing one of the year, month, and day by a different color or a different character type in said image storage device, as claimed in claim 19.

For example, rather than storing or setting the year, month and day to a color different from each other, SALB, as described in the abstract, merely discloses acquiring an image of the tissue via a CCD, digitizing the output signal of the camera and transferring the digitized data to a computer, which then reformats the data into a video frame and displays the frame on a video monitor as a color-coded image. The different colors of the color-coded image

P18421.A05

represent a different tissue brightness value corresponding to varying levels of glucose metabolism in different areas of the tissue under examination. This color scale modification is performed using a output lookup-table (LUT). There is no disclosure whatsoever in SALB of a date-differentiating processor that sets one of the year, month, and day to a color or character type different from the others, as claimed in independent claims 1 and 29. Nor is there any disclosure of storing one of the year, month, and day by a different color or a different character type in an image storage device, as claimed in claim 19. Thus, Applicant respectfully submits that these independent claims are patentably distinct from KIMURA and SALB.

With respect to the Examiner's rejection of dependent claims 3-7, 11-15, 18, 22-25 and 28 under 35 U.S.C. §103(a), as these claims are dependent from either allowable claim 1 or 19, the independent claims being allowable for at least the reasons discussed *supra*, these dependent claims are also allowable. Further, dependent claims 3-7, 11-15, 18, 22-25 and 28 each set forth a further combination of elements neither taught nor disclosed by the applied references. Accordingly, the Examiner is respectfully requested to withdraw all rejections under 35 U.S.C. §103(a).

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102 and 103 and

P18421.A05

respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicant's invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims.

P18421.A05

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
T. TAKAHASHI

Will. Boger
Reg. No. 44,550

Bruce H. Bernstein
Reg. No. 29,027

September 27, 2002
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



P18421.005

RECEIVED
OCT 02 2002
Technology Center 2600

MARKED-UP COPY OF CLAIMS 1, 19 AND 29

1. (Amended - Marked-Up Copy) A data generating device, provided in an electronic endoscope, said device generating an image data corresponding to an object image obtained by said electronic endoscope, and character information including a date when said object image is obtained, said device comprising:

a date-differentiating processor that generates said character information so that, when said date is displayed on a screen of a display device along with said object image, at least one of the year, month, and day is differentiated on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others.

19. (Amended - Marked-Up Copy) An electronic endoscope comprising:

a display processor that displays a year, month, and day of a date along with an object image on a screen; and

a storing processor that stores said date along with said object image in an image storage device as a single image;

said storing processor storing the year, month, and day so that at least one of the year, month, and day is differentiated on said screen; and

said storing processor storing one of the year, month, and day by a different color or a different character type in said image storage device.

P18421.A05

29. (Amended - Marked-Up Copy) An electronic endoscope comprising:
a display processor that displays a year, month, and day of a date along with an object image on a screen and
a date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others.